BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

AIMEE RUSSELL)	
Claimant)	
VS.)	
) Docket No. 2	211,821
MONTGOMERY WARD)	
Respondent)	
AND)	
NATIONAL UNION FIRE INSURANCE COMPANY)	
Insurance Carrier)	

ORDER

Claimant requested review of the preliminary hearing Order dated November 1, 1996, entered by Administrative Law Judge Bryce D. Benedict.

Issues

The Administrative Law Judge denied claimant's request for payment of a medical bill. Claimant requested the Appeals Board to review the Administrative Law Judge's finding that claimant's alleged accidental injury did not arise out of and in the course of employment with the respondent. That is the only issue before the Appeals Board on this review.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, for purposes of preliminary hearing the Appeals Board finds as follows:

The preliminary hearing Order should be affirmed.

On December 11, 1995, while working for the respondent, claimant fainted, fell, and cut her scalp when she struck the tiled floor. Claimant testified that she does not know why she fainted and the record is otherwise silent in this regard.

The Appeals Board agrees with the Administrative Law Judge that claimant's accident is not compensable. Before injuries from idiopathic events are compensable, the employment must create some special hazard or increased risk. See Bennett v. Wichita Fence Co., 16 Kan. App. 2d 458, 824 P.2d 1001, rev. denied 250 Kan. 804 (1992). The Appeals Board finds that the claimant's employment did not create an increased risk or special hazard. Based upon the present record, claimant's request for benefits should be denied.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated November 1, 1996, should be, and hereby is, affirmed.

Dated this ____ day of January 1997. BOARD MEMBER

c: Beth Regier Foerster, Topeka, KS Mark E. Kolich, Kansas City, KS Bryce D. Benedict, Administrative Law Judge Philip S. Harness, Director